



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

p

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,013	08/17/2004	Jonathan M. Wood	716139.186	5012
27128	7590	03/09/2006	EXAMINER	
BLACKWELL SANDERS PEPPER MARTIN LLP			NEWTON, JARED W	
720 OLIVE STREET			ART UNIT	
SUITE 2400			PAPER NUMBER	
ST. LOUIS, MO 63101			3634	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/711,013	Applicant(s) WOOD ET AL.	
	Examiner Jared W. Newton	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/13/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the claim sets forth a base mounting member attached to at least one elongated side leg member between a product support platform member and an opposed end portion of said leg member; however neither the disclosure nor the drawings describe such a connection. The connection between said leg member and said base mounting member is shown as disposed at the lower end of said leg member. Appropriate clarification or correction is respectfully requested.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-9, 12-18, 21, 24-26, 29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 1,861,368 to Sorrentino.

Sorrentino discloses an apparatus comprising: a top rod member 1 formed into a planar loop defining an opening there through and further defining a storage area; a plurality of elongated legs 2 pivotally attached to and slideable along said top rod member on bearing members; a product support platform 6 having a plurality of mounting members 3 adjacent a peripheral edge thereof removably attached to said elongated leg members 2; a container member (shown in phantom) positionable in said storage area comprising side walls adjacent the periphery of said storage area; a product display member removably attachable to said apparatus, said product display member 7 being formed to bow in a direction away from the opening formed by said top rod member, and extending upward and away from said top rod member; said product display member capable of supporting and retaining a product for display (see FIG. 1).

With respect to recitation regarding said segments being configured to support a product, it is noted that since this recitation is functionally reciting a specific unclaimed element (product), a reference need not explicitly show use with that element. Rather, a reference need only *be capable* of being used in such a way as claimed.

Claims 9, 14, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,050,529 to Lin.

Lin discloses a support structure comprising: a top rod member 3 formed into a planar loop defining an opening there through; a plurality of elongated legs 1 pivotally

attached to said top rod member on bearing members 31,32; a product support platform 7 having a plurality of mounting members 71,72 adjacent a peripheral edge thereof removably attached to said elongated leg members 1; a container member 9 positionable in a storage area defined by said loop, said container comprising side walls adjacent the periphery of said storage area; a product display member 6 comprising first and second ends removably attachable to said leg members 1; and a sign, or label holding mechanism 5 (see FIGS. 1 and 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-16, 21-26, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,752,286 to Liu in view of US patent No. Des. 463,158 to Lu.

Liu discloses a collapsible clothes bin comprising an upper rod member (as shown in Figure 1) forming a substantially planar loop; a plurality of elongated legs 12 pivotally attached to and slideable along said top rod member on bearing members 124; a container member 2 positionable in said storage area comprising side walls adjacent the periphery of said storage area; a base platform member 11 having a plurality of

mounting members 111 associated therewith to removably attach said base platform member to said legs (see FIG. 2); said base platform member having rolling means 15.

Liu does not disclose a product support platform member having at least one mounting member associated therewith adjacent a peripheral edge removable attachable to said at least one leg member.

Lu shows a two-tier stand comprising a removable lower support platform capable of supporting a product. Liu and Lu references are analogous art because they are from the same field of endeavor—wire storage apparatuses—and they overlap in classification. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the lower removable support member as shown by Lu in the assembly as disclosed by Liu by supporting said removable member on lower support means 124 (see FIG. 1, Liu). The motivation would have been to provide a means for supporting additional articles by separating the base platform from the container area. The inclusion of an intermediate basket support remains within the scope of the invention to Liu, as it would essentially provide a space between the base support and the bottom of the basket. The space would be an obvious improvement to the overall apparatus in that it would provide an area to store laundry related items including detergent, dryer sheets, and the like.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US Patent No. 6,588,620 to Thuma et al.
- US Patent No. Des. 362,762 to Emalfarb et al.
- US Patent No. 3,627,242 to Vandermast
- US Patent No. 1,959,454 to Biescar
- US Patent No. 1,588,550 to Smith
- US Patent No. 711,410 to Means

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JWN

March 6, 2006



RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER